

**FILED**

**JUL 21 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DOMINGO CAMPOS-REYES,

Defendant - Appellant.

No. 06-30074

D.C. No. CR-04-02093-FVS

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Fred L. Van Sickle, Chief Judge, Presiding

Submitted July 17, 2006\*\*

Before: B. FLETCHER, HAWKINS and THOMAS, Circuit Judges.

Domingo Campos-Reyes appeals the sentence imposed following his guilty plea to being an alien in the United States after deportation in violation of 8 U.S.C. § 1326.

---

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have reviewed the record and the opening brief. We conclude that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Appellant's contention that the temporal relationship of the removal to the prior conviction is beyond the scope of the Supreme Court's recidivism exception is foreclosed by *United States v. Castillo-Rivera*, 244 F.3d 1020, 1025 (9th Cir. 2001). Further, the Supreme Court's decision in *Almendarez-Torres v. United States*, 523 U.S. 224, 247 (1998), remains binding on this court. *See United States v. Weiland*, 420 F.3d 1062, 1079 n.16 (9th Cir. 2005); *see also United States v. Beng-Salazar*, No. 04-50518, 2006 WL 1843394 (9th Cir. July 6, 2006).

Accordingly, the government's motion for summary affirmance of the district court's judgment is granted.

**AFFIRMED.**